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**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

☒ Responsive to communication(s) filed on _May 1, 1998_                                          .

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire ____*3*____ month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

**Disposition of Claims**

☒ Claim(s) _2-5, 7, 8, 14, 16-42, and 48-53_                              is/are pending in the application.

   Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) _2-5, 7, 8, 14, 16-42, and 48-53_                              is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

**Application Papers**

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☒ The drawing(s) filed on ___*Sep 19, 1997*___ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐approved ☐disapproved.

☒ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

   ☐ All ☐Some* ☐None   of the CERTIFIED copies of the priority documents have been

      ☐ received.

      ☐ received in Application No. (Series Code/Serial Number) _____ .

      ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

   *Certified copies not received: _____ .

☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

**Attachment(s)**

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

*--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---*

## DETAILED ACTION

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## IMPORTANT NOTICE

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1.      **Effective November 16, 1997, the Examiner Handling this application will be assigned to a new Art Unit as a result of the consolidation into Technology Center 2700. See the forthcoming Official Gazette notice dated November 11, 1997. For any written or facsimile communication submitted ON OR AFTER November 16, 1997, this Examiner, who was assigned to Art Unit 2411, will be assigned to Art Unit 2761. Please include the new Art Unit in the caption or heading of any communication submitted after the November 16, 1997, date. Your cooperation in this matter will assist in the timely processing of the submission and is appreciated by the Office.**

Claims 2-5, 7, 8, 14, 16-42, and 48-53 (see paragraph 2 as to renumbering) are presently pending. Claims 1, 6, 9-13, 15, and 43-47 have been canceled.

*Claim Objections*

2.      The numbering of claims is not accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be

numbered consecutively beginning with the number next following the highest numbered claims

previously presented (whether entered or not).

Misnumbered claims 43 through 48 have been renumbered as claims 48 through 53.

3.       Claims 2-5, 7, 8, 14, and 16-22 are objected to because they depend, directly or indirectly,

from a misnumbered claim, namely claim 43, which has been renumbered as claim 48.

Appropriate correction is required.

4.       Claims 49-51 are objected to under 37 CFR 1.75(c), as being of improper dependent form

for failing to further limit the subject matter of a previous claim.  Applicant is required to cancel

the claims, or amend the claims to place the claims in proper dependent form, or rewrite the

claims in independent form.  Claims 49 through 51 are dependent on claim 1, which has been

canceled (and is therefore no longer a claim).  It will be assumed for purposes of applying art in

this action that claims 49 through 51 were intended to depend on claim 48 (as renumbered).

## Specification

5.           35 U.S.C. 112, first paragraph, requires the specification to be written in "full,

clear, concise, and exact terms."  The specification is replete with terms which are not clear,

concise and exact.  The specification should be revised carefully in order to comply with 35

U.S.C. 112, first paragraph.  Examples of some unclear, inexact or verbose terms used in the

specification are:

a.    Numerous typographical errors, such as the failure of the applicant to end each sentence by a period followed by one or more spaces on lines 19 and 26 of page 1;

b.    Errors of grammar, such as the usage of the plural form of medium where the singular would have been appropriate on page 19, line 33;

c.    The usage of periods at the beginning of sentences or portions thereof in place of bullets, such as on lines 6, 7, 9, 11, 15, and 17 of page 5;

d.    Arbitrary changes in verb conjugation between the third person and the second person and back again, such as on page 74;

e.    The failure to replace place-holding text with final text for submission with the completed application on page 56, lines 32-33 ("run a stored (term for interaction) with users 783.");

f.    Inaccurate transitions, such as line 1 of page 66 ("Turning now to the drawing [sic], fig. 10 illustrates...." with no discussion of the drawings until page 70);

g.    The definitions on pages 32 and 33 in light of the preceding statement on lines 13 through 15 of page 32 that such definitions should not be construed as limiting;

h.    The use of inaccurate terms, such as "permanent flag" for a flag that may be reset to a different value in lines 16-24 of page 71; and

i.    The use of the term "etc." as a specific example, such as on page 134, line 30 (lines 27-28 labeled each of the following items as examples).

6.    The disclosure is objected to because of the following informalities:

a.      The brief description of the drawings is inaccurate in many respects:

i.      Figures 1 and 13 are identified as flowcharts of systems.  Flowcharts describe methods or functions, not systems.

ii.     The description of figure 9 fails to note that it is a continuation of figure 8.

iii.    Figure 12 is identified as a flowchart of a database.  A flowchart of a database is logically impossible.  The flowchart may describe the process of adding data to the database, however.

iv.     Figures 17, 18, and 20 are not identified with sufficient particularity.  They are not even identified as relating to the subject matter of the present application.

v.      Figures 21, 24, 25, 27, 28, 29, 30, 31, and 32 are identified as relating to "illustrations of various views of some uses of the invention".  The applicant is reminded that the purpose of the brief description is to identify separately the particular view that each figure represents.

vi.     The description of figure 22 is wrong.  It does not represent either an illustration of a trigger event or a flowchart.  Instead it is a chart relating to the learning curve associated with a product.

vii.    The description of figures 34A and 34B is insufficiently descriptive.

b.      Elements of the drawings are misidentified throughout the text of the specification.  For example, items 14, 24, 26, and 30 are said to represent a network on lines 28 and 29 of

page 36, but instead constitute steps of a process that does not require any network.[1] Also, item

51, identified on line 4 of page 42 as "additional I/O communications" is not shown in the

drawings.

Appropriate correction is required.


## *Drawings*

7.    The drawings in this application are objected to by the Draftsperson as informal.  Any

drawing corrections requested, but not made in the prior application should be repeated in this

application if such changes are still desired.

8.    The drawings are objected to because they contain logical errors and inconsistencies.  For

example, in figure 8, element 220 states that a choice should be confirmed; however, that choice

is not made in the flowchart.  Also, while the flowchart in figure 8 appears to be directed toward

the choice of certain elements by a user, it appears to contain directions to the programmer of the

system as well.  For example, the statement "include subroutines to add and delete sets" in

element 218 does not appear to relate to a choice available to the user.

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[1]       Whether the applicant is referring to a network of computers or a network of

people is immaterial.  A network requires connections with some degree of permanence, a feature

that is neither shown nor suggested by the figure.

9.      The drawings are further objected to because figure 26 contains an unnecessary textual

description of the drawing ("This may also work in other sequences and arrangements."). The

text should appear in the detailed description only. Correction is required.

10.     The drawings are further objected to because figure 33 is described in the brief description

and on page 146 as illustrating reuse of components. No such reuse is shown or suggested by the

figure. Correction is required.

11.     The drawings are further objected to as failing to comply with 37 CFR 1.84(p)(4) because

reference characters "70" and "182" have both been used to designate the same display.

Correction is required.

12.     The drawings are objected to under 37 C.F.R. 1.84(o) because figure 21 lacks a legend

identifying the various elements. Correction is required.


### *Claim Rejections - 35 USC § 112*

13.     The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and
> process of making and using it, in such full, clear, concise, and exact terms as to enable any
> person skilled in the art to which it pertains, or with which it is most nearly connected, to
> make and use the same and shall set forth the best mode contemplated by the inventor of
> carrying out his invention.

14.     Claims 2-5, 7, 8, 14, 16-42, and 48-53 are rejected under 35 U.S.C. 112, first paragraph,

as containing subject matter which was not described in the specification in such a way as to

enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make the invention.

Although the specification contains abundant description as to how to use the claimed invention and sufficient detail as to how to make the hardware portions of the claimed invention, the specification contains little description of how to make the software portions of the claimed invention other than a brief discussion of certain database structures on pages 105-110. The specification does not describe (in the case of software embodiments) the platform or platforms to be used, the division of functionality between a customer's computer and a manufacturer's computers, and the major modules or functions of the software. One of ordinary skill in the user feedback and user help programming arts would accordingly be unable to build the claimed invention based on the specification.

Moreover, the description of the database structures on pages 105-110 is of limited use due to numerous errors and omissions. While the description mentions a number of specific "fields" to include in the database, it omits to mention what sort of database should be used, i.e., relational, object-oriented, network model, etc. The term "field" is usually utilized in connection with relational databases; however, the discussion appears to assume that a field can be of varying size and type (such as a field identifying one or more sets of interactions on page 106, lines 13 through 22). Thus, without greater detail regarding the overall structure of the database, the description that is given is of limited use. Other errors include the reference to pointers consisting of, inter alia, unique algorithms on page 108, lines 24 through 27 (a pointer is an address in

memory) and the statement on lines 9 through 22 of page 110 that text relating to any number of questions and answers can be entered in six fields, namely "answer text 1", "answer text 2", "answer text n", "answer data 1", "answer data 2", and "answer data n".[2]

Furthermore, the specification suggests an intention to embed the claimed invention in a wide variety of products, in some as a piece of add-on hardware and in some as software. Therefore, the software component of the invention would need to exist on a vast array of incompatible operating platforms. The specification does not explain how the invention will function on such platforms and how compatible data will be generated.[3]

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[2]     Even if one of ordinary skill in the art could be assumed to realize that the applicant intended to state that a varying number of fields could be created, depending on the number of answers to a particular question, it is doubtful that one of ordinary skill in the art at the time would have understood how to implement the database structure. While one of ordinary skill would have been able to construct a table in a relational database capable of holding varying numbers of answers, such a table would not have included fields for the trigger event and other fields identified on pages 109 and 110. In other words, one of ordinary skill, without any direction, would have split up the data identified as comprising a single record among many records of several types located in several tables. While it is may be possible to implement a structure similar to the described structure in an object-oriented database, such databases were little used at the time and unfamiliar to those of ordinary skill in the art.

[3]     As a trivial example, a software manufacturer might have different versions of a

Claims 2-5, 7, 8, 14, 16-22, 48, and 52 are also rejected under 35 U.S.C. 112, first

paragraph because the specification fails to provide written description or enablement of the

element "two-way dialog". The specification fails to define the term "two-way dialog", although

it does disclose "customer probes" comprising sets of stored prompts and questions. It should be

noted that the responses of users cannot constitute part of the "two-way dialogs" because the

actions of the users are not structural elements of the system. Thus, it is unclear what structural

element "two-way dialog" is intended to define. For the purpose of applying art in this action, it

will be assumed that the applicant intended to refer to (I) a set of prescripted computer prompts

and questions (as in a user feedback system) or (ii) a set of prescripted computer responses (as in

a help system).

Claims 48 and 52 are also rejected under 35 U.S.C. 112, first paragraph because the

specification fails to support use of the claimed feedback system with any "computer product".

The specification discusses use of the system in a software application but does not disclose how

_____

single application for different versions of Unix, Windows, DOS, and the Macintosh operating

system. Data is stored in different formats on different platforms. Even the byte order in which

data in the same format is stored can differ. Constructing a system to automatically record,

transfer, receive, and store data generated on different platforms is far from a trivial task. Where

the platforms are less well known (in the PDA market for example), the task becomes even more

difficult. In this, as in many other respects, the applicant's conception does not appear to be

complete.

feedback is to be handled with respect to other computer products, such as keyboards, mice,

speakers, memory, and so forth. For example, it is difficult to envision how a user interface

enabling two-way local interaction between the user of a mouse and the mouse could be a part of

the product (as recited in claim 48). For purposes of applying art in this action, it will be assumed

that "computer product" was intended to include software applications only. Claims 2-5, 7, 8, 14,

and 16-22 are rejected because they depend on claim 48. Claims 50 and 51 are similarly rejected.

No art will be applied by the examiner in this action to claims 50 and 51 because the examiner is

unable to determine what the applicant intended to claim.

Claim 48 is also rejected under 35 U.S.C. 112, first paragraph because the specification

fails to support information and questions being caused by a portion of a computer product to be

"conveyed" from the user to the computer product. The specification does provide support for a

user causing data to be stored in a computer in response to prompts from a software product. For

purposes of applying art in this action, the claim will be so interpreted. Claims 2-5, 7, 8, 14,

and 16-22 are rejected because they depend on claim 48.

Claim 48 is also rejected under 35 U.S.C. 112, first paragraph because the specification

fails to support a "triggering mechanism". A mechanism (other than in chemistry) is a physical

machine, or something having interlocking parts in a manner similar to that of a machine. Even if

the use of the term "mechanism" can be considered to be proper in connection with software, the

specification fails to reveal or suggest any single structure of code that would be capable of

triggering the appropriate "dialog". For example, the specification suggests that a particular

"customer probe" may be triggered by the nth use of a function, but does not suggest any structure in software external to that function designed to trigger the "customer probe". For purposes of applying art in this action, the "triggering mechanism" element will therefore be treated as a limitation that the software product must be able to display prompts, questions, or data at predetermined times based on data accumulated about the use of the product by the user. Claims 2-5, 7, 8, 14, and 16-22 are rejected because they depend on claim 48.

Claim 48 is also rejected under 35 U.S.C. 112, first paragraph because the specification fails to support an "electronic communication mechanism" as part of a software product. Two electronic communication mechanisms for use with a computer are well known in the art, namely modems (with related communications software) and network connections hardware (with related networking software). Neither one can constitute part of a software product. For purposes of applying art in this action, an "electronic communication mechanism" will be treated as software means cooperating with an electronic communication mechanism (including related software) that is not part of the software product. Claims 2-5, 7, 8, 14, and 16-22 are rejected because they depend on claim 48.

Claim 52 is also rejected under 35 U.S.C. 112, first paragraph because the specification fails to provide enablement for selectively enabling and disabling the user interface. The applicant should note that it is not possible for a user to disable and subsequently enable a user interface. Once the interface is disabled, the user can no longer interact with the product in any way. In other words, any mechanism for enabling an interface is itself part of the interface and is not

enabled when the user interface is not enabled. For the purpose of applying art in this office

action, it will be assumed that the applicant intended to refer to selectively enabling and disabling

the user feedback system.

Claim 23 is also rejected under 35 U.S.C. 112, first paragraph because the specification

fails to support for "interactive two way communication between the user and the designer" of a

product. Interactive communication is characterized by immediate, real-time responses to

statements. The specification discloses the preparation of questions by the designer at the time of

designing a product, the preparation of answers thereto by the user during use of the product

(which is likely to be months or years thereafter), and the preparation of a second set of questions

by the designer after analyzing responses to the first set of questions some time thereafter

(perhaps days but more likely months or years later). No support is provided for automatically

generating subsequent sets of questions based on free-form natural language replies by users to

earlier sets of questions. For purposes of applying art in this action, the term interactive will be

ignored throughout claim 23. Claims 24 through 42 are also rejected because they depend on

claim 23.

Claim 23 is also rejected under 35 U.S.C. 112, first paragraph because the specification

fails to support for running user tests *of* information recovered from the user feedback element.

The specification fails to describe having users test the feedback, or why anyone would want users

to test such data, or how such data should be tested by users, or what standards would be used to

validate or invalidate such data in light of such tests. Claim 38 is also rejected because it depends

on claim 37. No art will be applied to claims 37 and 38 in this action because the examiner is unable to determine what the applicant intended to claim by the language of the claim.

15.    The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

16.    Claim 8 is rejected under 35 U.S.C. 112, 2nd paragraph as being vague and indefinite in that the specification fails to explain how a trigger may be executed (causing a "dialog" to execute) by something that is both part of the product (being used locally by the user) and also a "remote [party]". One of ordinary skill in the art would not be able to determine what subject matter was intended to be claimed in that remote parties are usually thought to be natural or legal persons and products are not ordinarily thought to include natural or legal persons. Because the examiner is unable to determine what was intended by this claim, no art will be applied thereto in this action.

Claim 16 is also rejected under 35 U.S.C. 112, 2nd paragraph as being vague and indefinite in that the specification fails to explain how an electronic communication mechanism can consist of a broadcast transmission, a wire, or a removable memory device. A broadcast transmission is not a mechanism: the hardware and associated software necessary to send a broadcast transmission is the mechanism. A wire is not an electronic communication mechanism, although it may constitute a small part of such a mechanism. A removable memory device is not such a mechanism either. It should be noted that sending a removable memory device by mail or by courier to another location does not constitute electronic communication any more than a

human printing a message with a pen on a piece of paper and sending it to another location via the

postal service (the message being capable of being scanned and converted to text by an OCR

program). For purposes of applying art in this action, it will be assumed that the applicant

intended to claim software capable of cooperating with an electronic communication mechanism

so as to transmit the relevant data by broadcast transmission or over a wire communication link.

Claim 22 is also rejected under 35 U.S.C. 112, 2nd paragraph as being vague and

indefinite in that the specification fails to explain how a user could selectively enable and disable a

user interface by means of a control forming part of the interface. If the interface is disabled, the

user cannot interact with the control for enabling the interface. One of ordinary skill in the art

would therefore be unable to determine the meaning of this claim for this reason. Because the

examiner is unable to determine what was intended by this claim, no art will be applied thereto in

this action.

17.     Claim 14 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for

omitting an essential element, such omission amounting to a gap between the elements. See

MPEP § 2172.01. The omitted elements is the software constituting the user interface. Screens,

keyboards, microphones, and speakers are input and output devices. Without an operating system

or other suitable software, such elements are incapable of functioning as a user interface. For

example, without suitable software, typing on a keyboard will not enable the user to interact with

a computer. For purposes of applying art in this action, it will be assumed that the applicant

intended to include suitable user interface software as a required element of the user interface in addition to the keyboard, display, speaker, or microphone.

## *Claim Rejections - 35 USC § 103*

18.     The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

19.     Claims 2-5, 7, 8, 14, 16-42, and 48-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chiang in view of Direct Dispatch.

With respect to claims 48 (which is interpreted as discussed above in paragraph 14), 49, and 2, Chiang discloses an on-line tutorial system for use with software products running under a multitasking operating system (such as OS/2 or Windows) that provides a separate execution space in memory for each concurrently running program. Column 2, line 48 through column 3, line 6. The system includes three sets of linked panels: lesson panels, step panels (which are detail panels for the lesson panels), and concept panels. These prescripted explanations of the software product are displayed in response to user input consisting of selecting what subject matter is to be taught by the system. Column 3, lines 30 through 56. The system also includes a monitoring system that allows the user to execute a procedure explained in a lesson panel, but that generates

an error message when the user's input is inappropriate (based on prescripted "triggers").

Column 3, line 57 through column 4, line 10. Thus, the interface of the tutorial system set forth in

Chiang provides for communication of prompts from the user to the tutorial system and

information concerning the use of the product in response thereto from the tutorial system to the

user. Moreover, the tutorial system is designed to include separate sets of data or lessons for use

by users of different levels of expertise. Column 10, lines 31 through 46. Chiang further discloses

the use of a tutorial authoring system to generate prompts and data to be displayed in response to

the prompts. Column 7, line 41 through column 8, line 35.

Direct Dispatch is an application that runs under Windows and allows a user to open,

change, track, and close trouble tickets concerning network problems. In other words, it allows a

user to enter information concerning the use of a product in response to preprogrammed prompts.

New Management Tools, column 1, paragraphs 2; Trouble Management System. The trouble

tickets are sent electronically to MCI's system for review by MCI. See New Management Tools,

column 1, paragraph 3.

It was well known in the programming arts that software applications, particularly new

and innovative applications often suffer from both a steep learning curve and from many actual

defects in the design or implementation of the application. Furthermore, it is well known that a

new user of a software application often cannot distinguish between his lack of knowledge about

the manner of operation of the application and actual defects in the application. Therefore, it

would have been obvious to one of ordinary skill in the user training, help, and feedback

programming art at the time who was implementing a system in accordance with the invention of

Chiang to include functionality similar to that of Direct Dispatch in the system in order to allow

the user to obtain help from the manufacturer with respect to an actual defect in the application or

any feature of the application that the user is unable to understand in light of the tutorial. It

would further have been obvious to one of ordinary skill in the art at the time to revise the tutorial

lessons for a product in light of user feedback contained in the trouble tickets. For example, if a

large number of tickets indicated that users failed to understand how to use a particular feature of

the product, the explanation of that product might be elaborated in the next version of the tutorial.

It would also have been obvious to one of ordinary skill in the art at the time to include in

the trouble ticket survey questions relating to the problem that gave rise to the trouble ticket (e.g.,

relating to the clarity of the section of the tutorial relating to the problem) because doing so

would provide a quick and inexpensive way to obtain feedback from users.

With respect to claims 3 and 17, it was well known to use software products to analyze

user feedback in order to improve a product. Therefore, it would have been obvious to one of

ordinary skill in the art at the time to feed the data from the trouble tickets into a third party

analysis tool and to use the results to aid in designing an improved version of the product in

question. Furthermore Chiang clearly envisages use of his tutorial system with multiple products.

See column 1, line 10 through column 3, line 15.

In connection with claim 4, Chiang discloses an authoring system capable of generating

new prompts, questions, and data, and interface elements related thereto, as discussed above in

connection with claims 48, 49, and 2. It was well known in the art at the time to post product

updates on a company's bulletin board for transmission to users of the product by downloading.

Therefore, it would have been obvious to one of ordinary skill in the art at the time to generate a

tutorial revised in light of data gathered from the trouble tickets and to post the revised tutorial on

the company's bulletin board for downloading.

With regard to claim 5, Chiang discloses the selective enabling and disabling of messages

generated in response to user actions in the monitoring module of his system. Column 16,

lines 19 through 26.

With respect to claim 7, it was well known that software running under operating systems

such as OS/2 ordinarily executes locally. Accordingly, one of ordinary skill in the art at the time

would read Chiang to include local execution of triggers.

In connection with claim 14, computers running operating systems such as OS/2 or

Windows ordinarily include a display screen, a keyboard, and one or more speakers and may

optionally include a microphone.

With respect to claim 16, Direct Dispatch envisions users communicating with MCI's

computer network. New Management Tools, column 1, paragraphs 2 and 3. It was well known

in the art at the time that users customarily communicated with remote networks by means of a

telephone link, which is usually a form of a wire link.

With regard to claims 18 and 19, Chiang clearly envisages user interface elements such as

prompts including natural language elements such as English words, which is common in

programs written for modern operating systems such as Windows and OS/2. It was well known

in the art at the time for an application to permit the user to select the language to be used in the

user interface. It would have been obvious to one of ordinary skill in the art at the time to allow

such a choice in the case of a system in accordance with Chiang's invention (as modified as

described above with respect to claims 48, 49, and 2) because allowing a user to interact with the

system in his native language would increase the likelihood that the user could resolve his

difficulties with the aid of the system and without needing to call technical support, thereby

decreasing the manufacturer's technical support expense.

In connection with claims 20 and 21, it is well known in the art that user interface

elements in programs written for operating systems such as Windows and OS/2 permit the user to

retain control in the process of entering data in dialog boxes and other user interface elements and

allow the user to elect not to enter such data. Therefore, it would have been obvious to one of

ordinary skill in the art at the time to allow the user to retain control over such forms of

communication and to terminate such forms of communication.

With respect to claim 23, it was well known in the art at the time to create a first version

of a product, to obtain feedback from users based on questions posed by the designer of the

product, to analyze such feedback, and to redesign the product in accordance with the results of

the analysis. Chiang, in combination with Direct Dispatch, as discussed above in connection with

claims 48, 49, and 2, provides a method for including a user feedback element allowing for

communication between the designer of a product and the users thereof under control of the users

and for recovering feedback data from such feedback element. Moreover, it would have been

obvious to one of ordinary skill in the art at the time to include with the modified Chiang system a

capability for the user to disable feedback questions when completing trouble tickets because it is

well known that many users are annoyed by having to complete questionnaires.

With regard to claims 24 through 34, it was well known for survey questions and answers

thereto to include information provided by the user with respect to (i) problems connected with

use of the product, (ii) solutions thereto, (iii) usability of the product, (iv) demographic data about

the user, (v) use patterns of the product, (vi) business processes using the product, (vii) analysis

of tasks performed by the user with the product, (viii) business transactions performed by the

user, and (ix) user suggestions concerning such matters as expansion of business relationships and

improvements of processes.

In connection with claim 35, Direct Dispatch allows a user to set a priority for response to

information entered by the user. New Management Tools, Column 1, paragraph 3.

With respect to claim 36, it would have been obvious to one of ordinary skill in the art at

the time to include in the system in accordance with the invention of Chiang, combined with

Direct Dispatch, as discussed above with respect to claims 48, 49, and 2, provision for feedback

with respect to the interactive learning sessions discussed in Chiang, as noted above.

With regard to claims 39 and 42, it would have been obvious to one of ordinary skill in the

art at the time to share feedback data with third parties or otherwise grant access to feedback data

to third parties, such as designers of commercial-off-the-shelf software components, to enable the third parties to redesign their products in light of the user feedback.

In connection with claim 40, it is well known in the art at the time to compensate a user for his time in providing feedback with cash, coupons, or free product licenses (especially to beta testers of products). It would have been obvious to one of ordinary skill in the art at the time to provide discount coupons or free upgrades in order to encourage full and frank analyses of the product by users thereof.

With respect to claim 41, it was well known in the art at the time to buy and sell feedback data, especially demographic user data. Accordingly, it would have been obvious to one of ordinary skill in the art at the time to provide such a capability in Chiang's system, as modified by Direct Dispatch, as discussed above in connection with claims 48, 49, and 2.

Claims 52 and 53 are rejected for the reasons set forth above with respect to claims 23 and 48 and the claims depending therefrom.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ethan D. Civan whose telephone number is (703) 308-5875. The examiner can normally be reached on Monday through Friday from 9:00 a.m. to 5:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emanuel Todd Voeltz, can be reached at (703) 305-9714. The fax number for the organization where this application or proceeding is assigned is (703) 308-5357.
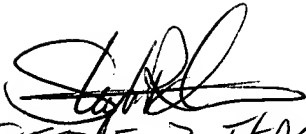
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STEPHEN R. TKACS
PRIMARY EXAMINER